

Calendar No. 4

113TH CONGRESS
1ST SESSION

S. 82

To provide that any executive action infringing on the Second Amendment has no force or effect, and to prohibit the use of funds for certain purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 23 (legislative day, JANUARY 3), 2013

Mr. PAUL introduced the following bill; which was read the first time

JANUARY 28, 2013

Read the second time and placed on the calendar

A BILL

To provide that any executive action infringing on the Second Amendment has no force or effect, and to prohibit the use of funds for certain purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Separation of Powers
5 Restoration and Second Amendment Protection Act of
6 2013”.

1 **SEC. 2. SENSE OF CONGRESS.**

2 (a) IN GENERAL.—That it is the sense of Congress
 3 that any executive action issued by the President before,
 4 on, or after the date of enactment of this Act that in-
 5 fringes on the powers and duties of Congress under section
 6 8 of article I of the Constitution or the Second Amend-
 7 ment to the Constitution, or that would require the ex-
 8 penditure of Federal funds not specifically appropriated
 9 for the purpose of the executive action, is advisory only
 10 and has no force or effect unless enacted as law.

11 (b) DEFINITION OF EXECUTIVE ACTION.—In this
 12 Act, the term “executive action” includes an Executive
 13 order, memoranda, proclamation, or signing statement.

14 **SEC. 3. VITIATION OF EFFECT OF EXECUTIVE ACTION.**

15 Any existing or proposed executive action that in-
 16 fringes on the powers and duties of Congress under section
 17 8 of article I of the Constitution or the Second Amend-
 18 ment to the Constitution shall have no force or effect.

19 **SEC. 4. PROHIBITION AGAINST USE OF FUNDS FOR CER-**
 20 **TAIN PURPOSES.**

21 No funds appropriated pursuant to any provision of
 22 law may be used to promulgate or enforce any executive
 23 action that infringes on the powers and duties of Congress
 24 under section 8 of article I of the Constitution or the Sec-
 25 ond Amendment to the Constitution.

1 **SEC. 5. STANDING TO CHALLENGE EXECUTIVE ACTION**
 2 **WHICH IMPACT ARTICLE I, SECTION 8 OF THE**
 3 **CONSTITUTION OR THE SECOND AMEND-**
 4 **MENT TO THE CONSTITUTION.**

5 The following persons may bring an action in an ap-
 6 propriate United States court to challenge the validity of
 7 any executive action which infringes on the powers and
 8 duties of Congress under section 8 of article I of the Con-
 9 stitution or the Second Amendment to the Constitution.

10 (1) CONGRESS AND ITS MEMBERS.—Any mem-
 11 ber of the House of Representatives or the Senate,
 12 or either or both chambers acting pursuant to vote,
 13 if the challenged executive action—

14 (A) infringes on the powers and duties of
 15 Congress under article I, section 8 of the Con-
 16 stitution; or

17 (B) violates the Second Amendment to the
 18 Constitution.

19 (2) STATE AND LOCAL GOVERNMENTS.—The
 20 highest governmental official of any State, common-
 21 wealth, district, territory, or possession of the
 22 United States, or any political subdivision thereof, or
 23 the designee of such person, if the challenged execu-
 24 tive action infringes on a power of such State or on
 25 a power afforded to such commonwealth, district,

1 territory, or possession under any congressional en-
2 actment or relevant treaty of the United States.

3 (3) AGGRIEVED PERSONS.—Any person ag-
4 grieved in a liberty or property interest adversely af-
5 fected directly by the challenged executive action.

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